



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/790,641

03/01/2004

Darrell Reginald May

ID-399 (80211)

9761

27975

7590

11/08/2006

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO, FL 32802-3791

EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,641

Applicant(s)

MAY ET AL.

Examiner

Melur Ramakrishnaiah

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3-1-04, 10-13-04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-12, 13-18, 20, 21-26, 27-32 are rejected under 35 U.S.C 102(b) as being anticipated by Koskan (US PAT: 6,181,956).

Regarding claim 1, Koskan discloses a mobile wireless communication device, comprising: a wireless transceiver (220/290, fig. 2) and a controller (240, fig. 2) cooperating therewith for receiving text messages from the wireless communication network (130, fig. 1), the controller being switchable between a normal message mode and an audio message mode, a user interface device (250, fig. 2) connected to the controller for receiving at least one of audio mode filter parameter from a user (reads on mode selection or keyword or type identifier), and an audio output (125, figs. 1, 3) connected to the controller, the controller, when in the audio message mode, selecting received text messages based on at least one audio mode filter parameter, and outputting audio messages comprising speech generated from the selected text messages via the audio output (figs. 1-4; col. 1, line 56 – col. 3, line 56).

Regarding claim 13, Koskan discloses a communication system comprising at least one mobile wireless communications device comprising: a wireless transceiver (220/290, fig. 2) and a controller (240, fig. 2) cooperating therewith for receiving text messages, the controller being switchable between a normal message mode and an

Art Unit: 2614

audio message mode, a user interface (250, fig. 2) connected to the controller for receiving at least one audio mode filter parameter (reads on mode selection), from a user, and an audio output (125, figs. 1, 3) connected to the controller, the controller, when in the audio message mode, selecting received text messages based upon the at least one audio mode filter parameter (reads on mode selection or keyword or type identifier), and outputting audio messages comprising speech generated from the selected text message via the audio output, and a wireless communications network (130, fig. 1) for sending text messages to the at least one mobile wireless communication device (120; figs. 1-4; col. 1, line 56 – col. 3, line 56).

Claims 21 and 27 are rejected on the same basis as claims 1 and 13.

Regarding claims 2-4, 6-12, 14-18, 20, 22-26, 28-32, Koskan further teaches the following: output comprises a headset (125, figs. 1, 3) output, controller (240, fig. 2) switches between the normal message mode and the audio message mode based upon connection between the headset output and a headset, headset output comprising a wireless headset output for establishing a wireless connection with a headset (125, figs. 1, 3), controller (240, fig. 1) switches between the normal message mode and the audio message mode based upon an audio message mode command provided by a user via the user interface device (250, fig. 2), text-to-speech module (reads on 260, fig. 2) cooperating with the controller to convert the selected text message to the audio messages, at least one audio message filter parameter comprises: a sender identifier, at least one keyword (col. 3 lines 9-15), user interface device comprises keypad (not shown) connected to the controller, display (252, fig. 2) connected to the controller for

displaying text messages, wireless transceiver comprises a cellular transceiver (120, fig. 1; (120; figs. 1-4; col. 1, line 56 – col. 3, line 56).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koskan in view of Nebiker et al. (US2003/0059022A1, hereinafter Nebiker).

Koskan differs from claim 5 in that he does not teach the following: headset output comprises a headset jack for a wired headset.

However, Nebiker teaches the following: headset output comprises a headset jack for a wired headset (paragraph: 0090).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Koskan's system to provide for the following: headset output comprises a headset jack for a wired headset as this arrangement would facilitate playing messages through a wired headset as taught by Nebiker.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koskan in view of Miller et al. (US PAT: 6,421,207, hereinafter Miller).

Koskan differs from claim 19 in that he does not teach the following: controller is also for generating conversion requests for selected text messages and cooperating with the wireless transceiver to forward the conversion requests to the wireless

communication network, wherein wireless communication network receives the conversion requests and further comprises a text-to-speech module for converting the selected text messages to audio messages based upon the conversion requests, and wherein the wireless communication network sends the audio messages to at least one wireless communication device.

However, Miller teaches the following: controller is also for generating conversion requests for selected text messages and cooperating with the wireless transceiver to forward the conversion requests to the wireless communication network, wherein wireless communication network receives the conversion requests and further comprises a text-to-speech module for converting the selected text messages to audio messages based upon the conversion requests, and wherein the wireless communication network sends the audio messages to at least one wireless communication device (figs. 1, 4; col. 3 lines 16-6; col. 5, line 42 – col. 6, line 40).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Koskan's system to provide for the following: controller is also for generating conversion requests for selected text messages and cooperating with the wireless transceiver to forward the conversion requests to the wireless communication network, wherein wireless communication network receives the conversion requests and further comprises a text-to-speech module for converting the selected text messages to audio messages based upon the conversion requests, and wherein the wireless communication network sends the audio messages to at least one

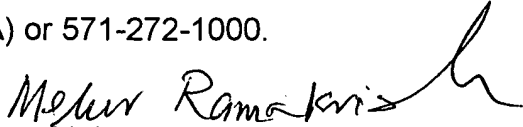
Art Unit: 2614

wireless communication device as this arrangement would facilitate centralized location for processing messages to satisfy user requirements as taught by Miller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2614